

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0054-PWS-E **TCEQ ID:** RN101219939 **CASE NO.:** 32172
RESPONDENT NAME: 6700 McHard, Inc. dba Greater Houston Gun Club

Page 1 of 2

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Greater Houston Gun Club, 6700 McHard Road, Fort Bend County</p> <p>TYPE OF OPERATION: Recreational area with a public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 4, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Epifanio Villareal, Enforcement Division, Enforcement Team 2, MC 169, (210) 403-4033; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Hubert Hawthorn, President, 6700 McHard, Inc., P.O. Box 97, Missouri City, Texas 77459-0097 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-0054-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 1, 2006</p> <p>Date of NOV/NOE Relating to this Case: September 15, 2004, November 1, 2004, October 3, 2005, October 31, 2005, December 21, 2005, March 1, 2006, March 22, 2006, April 28, 2006, May 26, 2006, June 27, 2006, July 31, 2006, August 25, 2006, September 25, 2006, October 25, 2006, and November 21, 2006. (NOVs)</p> <p>Background Facts: This was a routine record review. One violation was documented. After the order was signed the Respondent paid the penalty in full</p> <p>WATER</p> <p>Failed to perform routine monthly bacteriological sampling of the public water supply and failed to provide public notification of the failure to conduct bacteriological sampling [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p>	<p>Total Assessed: \$6,020</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$6,020</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent received three or more repeated NOVs for the same violation within the past five years.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order:</p> <p>i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply; and</p> <p>ii. Begin performing monthly bacteriological sampling utilizing samples which are representative of the Facility's water system.</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	3-Jan-2007	Screening	10-Jan-2007	EPA Due	1-Jun-2005
	PCW	10-Jan-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	6700 McHard, Inc. dba Greater Houston Gun Club		
Reg. Ent. Ref. No.	RN101219939		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32172	No. of Violations	1	
Docket No.	2007-0054-PWS-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Enf. Coordinator	Epifanio Villarreal	
Multi-Media		EC's Team	EnforcementTeam 2	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$3,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 72% Enhancement Subtotals 2, 3, & 7 **\$2,520**

Notes: The penalty enhancement is due to 14 prior Notices of Violation ("NOV"s) for violations that are the same as or similar to the violation in the current enforcement action and one dissimilar NOV.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$923 **0% Enhancement*** Subtotal 6 **\$0**
Approx. Cost of Compliance \$800 ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 Final Subtotal **\$6,020**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$6,020**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$6,020**

DEFERRAL 0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$6,020**

Screening Date 10-Jan-2007

Docket No. 2007-0054-PWS-E

PCW

Respondent 6700 McHard, Inc. dba Greater Houston Gun Club

Policy Revision 2 (September 2002)

Case ID No. 32172

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101219939

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	14	70%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 72%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to 14 prior Notices of Violation ("NOV"s) for violations that are the same as or similar to the violation in the current enforcement action and one dissimilar NOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 72%

Screening Date 10-Jan-2007

Docket No. 2007-0054-PWS-E

PCW

Respondent 6700 McHard, Inc. dba Greater Houston Gun Club

Policy Revision 2 (September 2002)

Case ID No. 32172

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101219939

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B), and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to perform routine monthly bacteriological sampling of the public water supply during the months of September 2004, August 2005, September 2005, November 2005, December 2005 and February through October 2006 and failure to provide public notification of the failure to conduct monthly bacteriological sampling during the months of August 2005 and December 2005.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to perform routine bacteriological sampling of the public water supply and failure to provide public notification could result in customers of the water supply being exposed to significant amounts of bacteriological contamination which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 14

424 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,500

Fourteen monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$923

Violation Final Penalty Total \$6,020

This violation Final Assessed Penalty (adjusted for limits) \$6,020

Economic Benefit Worksheet

Respondent: 6700 McHard, Inc. dba Greater Houston Gun Club
Case ID No: 32172
Reg. Ent. Reference No: RN101219939
Media: Public Water Supply
Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$800	1-Sep-2004	31-Oct-2006	3.1	\$123	\$800	\$923
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to conduct monthly bacteriological sampling and provide public notification, calculated for the months when the violation occurred.

Approx. Cost of Compliance	\$800	TOTAL	\$923
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Compliance History

Customer/Respondent/Owner-Operator: CN603128885 6700 McHard, Inc. Classification: Rating:
 Regulated Entity: RN101219939 GREATER HOUSTON GUN CLUB Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0790113
 Location: 6700 MCHARD ROAD, FORT BEND COUNTY

TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: January 10, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: January 10, 2002 to January 10, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epifanio Villarreal Phone: (210) 403-4033

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? N/A
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
 N/A

B. Any criminal convictions of the state of Texas and the federal government.
 N/A

C. Chronic excessive emissions events.
 N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

10/18/2004	(337625)
12/21/2005	(534576)
11/01/2004	(533904)
03/22/2006	(534591)
08/25/2006	(534633)
10/25/2006	(534643)
03/01/2006	(534588)
04/28/2006	(534593)
06/27/2006	(534610)
10/31/2005	(534571)
05/26/2006	(534604)
09/25/2006	(534636)
09/15/2004	(333705)
12/28/2006	(535319)
11/21/2006	(534648)
07/31/2006	(534618)
10/03/2005	(534558)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/21/2005 (534576)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring sample(s) for 11/2005.

✓ Date: 09/15/2004 (333705)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)

Description: Failure to provide a suitable raw sampling tap on the well discharge.

✓ Date: 03/01/2006 (534588)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring sample(s) for 12/2005.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failure to post PN for not collecting any routine monitoring sample(s) 12/2005.

Date: 05/26/2006 (534604)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring sample(s) for 04/2006.

Date: 11/01/2004 (533904)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring sample(s) for 09/2004.

✓ Date: 09/25/2006 (534636)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring sample(s) for 08/2006.

Date: 03/22/2006 (534591)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring sample(s) for 02/2006.

Date: 07/31/2006 (534618)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring sample(s) for 06/2006.

Date: 04/28/2006 (534593)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring sample(s) for 03/2006.

Date: 08/25/2006 (534633)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring sample(s) for 07/2006.

✓ Date: 06/27/2006 (534610)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
Description:	Failure to collect any routine monitoring sample(s) for 05/2006.		
Date:	11/21/2006	(534648)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
Description:	Failure to collect any routine monitoring sample(s) for 10/2006.		
Date:	10/25/2006	(534643)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
Description:	Failure to collect any routine monitoring sample(s) for 09/2006.		
Date:	10/31/2005	(534571)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
Description:	Failure to collect any routine monitoring sample(s) for 09/2005.		
Date:	10/03/2005	(534558)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
Description:	Failure to collect any routine monitoring sample(s) for 08/2005.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)		
Description:	Failure to post PN for not collecting any routine monitoring sample(s) in 08/2005.		

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
6700 MCHARD, INC. DBA GREATER
HOUSTON GUN CLUB
RN101219939

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0054-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding 6700 McHard, Inc. dba Greater Houston Gun Club ("McHard, Inc.") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and McHard, Inc. presented this agreement to the Commission.

McHard, Inc. understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, McHard, Inc. agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon McHard, Inc.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. McHard, Inc. owns and operates a recreational area with a public water supply at 6700 McHard Road, in Fort Bend County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.

2. During a record review on November 1, 2006, TCEQ staff documented that McHard, Inc. did not perform routine monthly bacteriological sampling of the public water supply during the months of September 2004, August 2005, September 2005, November 2005, December 2005 and February through October 2006 and did not provide public notification of the failure to conduct monthly bacteriological sampling during the months of August 2005 and December 2005.
3. McHard, Inc. received notices of the violations dated September 15, 2004, November 1, 2004, October 3, 2005, October 31, 2005, December 21, 2005, March 1, 2006, March 22, 2006, April 28, 2006, May 26, 2006, June 27, 2006, July 31, 2006, August 25, 2006, September 25, 2006, October 25, 2006, and November 21, 2006.

II. CONCLUSIONS OF LAW

1. McHard, Inc. is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, McHard, Inc. failed to perform routine monthly bacteriological sampling of the public water supply and failed to provide public notification of the failure to conduct bacteriological sampling, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against McHard, Inc. for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Six Thousand Twenty Dollars (\$6,020) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). McHard, Inc. has paid Two Thousand Four Hundred Twenty Dollars (\$2,420) of the administrative penalty. The remaining amount of Three Thousand Six Hundred Dollars (\$3,600) of the administrative penalty shall be payable in 36 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If McHard, Inc. fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of McHard, Inc. to meet the payment schedule of this Agreed Order constitutes the failure by McHard, Inc. to timely and satisfactorily comply with all the terms of this Agreed Order.

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III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. McHard, Inc. is assessed an administrative penalty in the amount of Six Thousand Twenty Dollars (\$6,020) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and McHard, Inc.'s compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: 6700 McHard, Inc. dba Greater Houston Gun Club, Docket No. 2007-0054-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. McHard, Inc. shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
 - ii. Begin performing monthly bacteriological sampling utilizing samples which are representative of the Facility's water system, according to the Facility's written Sampling Monitoring Plan, as required by 30 TEX. ADMIN. CODE § 290.109.
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and should include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant

the first of these is the fact that the system is not a simple one, and that the results are not always the same. The second is that the system is not a simple one, and that the results are not always the same.

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penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77703-1830

3. The provisions of this Agreed Order shall apply to and be binding upon McHard, Inc. McHard, Inc. is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by McHard, Inc. shall be made in writing to the Executive Director. Extensions are not effective until McHard, Inc. receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to McHard, Inc. if the Executive Director determines that McHard, Inc. has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against McHard, Inc. in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission’s jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

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facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/27/07

Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of 6700 McHard, Inc. dba Greater Houston Gun Club. I am authorized to agree to the attached Agreed Order on behalf of 6700 McHard, Inc. dba Greater Houston Gun Club, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, 6700 McHard, Inc. dba Greater Houston Gun Club waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

March 23, 2007

Date

Hubert Hawthorn

Name (Printed or typed)

President

Title

Authorized Representative of
6700 McHard, Inc. dba Greater Houston Gun Club

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

CHICAGO, ILLINOIS 60637

DATE: _____

TO: _____

FROM: _____

SUBJECT: _____

I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the appropriate authorities for their consideration.

I am sure that you will understand the necessity for this procedure and the delay it may entail. I am sure that you will be satisfied with the result.

I am sure that you will be satisfied with the result. I am sure that you will be satisfied with the result. I am sure that you will be satisfied with the result.

I am sure that you will be satisfied with the result. I am sure that you will be satisfied with the result. I am sure that you will be satisfied with the result.

Very truly yours,

[Signature]

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I am sure that you will be satisfied with the result. I am sure that you will be satisfied with the result. I am sure that you will be satisfied with the result.